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MESSAGE REJECTED - CONTAINS UNRECOGNIZED ORIGINATOR
-- ERRORED MESSAGE FOLLOWS --
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FM AMEMBASSY PODGORICA
TO RUEHC/SECSTATE WASHDC
INFO EUROPEAN POLITICAL COLLECTIVE
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RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK
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RUEHPOD/AMEMBASSY PODGORICA
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UNCLAS SECTION 01 OF 02 PODGORICA 000154

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SENSITIVE
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E.O. 12958: N/A
TAGS: [PREL](#) [MARR](#) [PGOV](#) [MW](#)
SUBJECT: MONTENEGRIN OPPOSITION OPINES AGAINST SOFA, ARTICLE 98

REF: PODGORICA 146

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SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

[11](#). (SBU) SUMMARY: OPPOSITION POLITICIANS IN MONTENEGRO CONTINUE TO MAKE HAY OF THE RECENT USG-GOM SOFA AND ARTICLE 98 AGREEMENTS (REF). POST HAS ENERGETICALLY COUNTERED, PUBLICLY AND PRIVATELY, THE NUMEROUS MISUNDERSTANDING AND MISSTATEMENTS ABOUT THE AGREEMENTS. CONSEQUENTLY, ATTACKS ON THE SOFA WITH THE USG HAVE TRAILED OFF, BUT A PERCEIVED EU HOSTILITY TO ARTICLE 98 HAS HELPED FUEL THE FIRE. THE OPPOSITION HAS CRITICIZED PRESIDENT VUJANOVIC AND THE GOM FOR CONCLUDING BOTH AGREEMENTS WITHOUT PARLIAMENTARY APPROVAL. HOWEVER, THE LEADER OF THE LARGEST OPPOSITION GROUP CONFESSED TO EMBOFFS MAY 7 THAT HE IS JUST LOOKING TO USE EITHER AGREEMENT AS A MEANS TO ATTACK THE GOVERNMENT, IN ANY WAY POSSIBLE. END SUMMARY.

[12](#). (U) OPPOSITION POLITICIANS HAVE CONTINUED TO RAISE OBJECTIONS TO THE USG-GOM SOFA AND ARTICLE 98 (INTERNATIONAL CRIMINAL COURT - ICC) AGREEMENTS. U.S. EMBASSY INTERVENTIONS, PUBLIC AND PRIVATE, HAVE HELPED DISPEL MANY BUT NOT ALL MISUNDERSTANDINGS ABOUT THE TEXTS AND PURPOSES OF THE AGREEMENTS. PARTICULARLY WITH RESPECT TO THE SOFA, THIS HAS DEFUSED MOST OF THE MYTHS, E.G., THE SOFA ALLOWS THE USG TO BUILD HEAVILY FORTIFIED BASES RIGHT ON TOURIST BEACHES. POST NOTES THAT THE MAY 7 GOM TRANSIT AGREEMENT WITH EUFOR WAS ALSO CRITICIZED, BUT TO A FAR LESSER EXTENT THAN THE US-MONTENEGRO SOFA. CRITICISM OVER THE ARTICLE 98 AGREEMENT IS FUELED, IN PART, BY PERCEIVED EU HOSTILITY TO SUCH AGREEMENTS - EVEN THOUGH THE EU HAS NOT OFFICIALLY SAID ANYTHING IN PUBLIC ABOUT THE APRIL 19 AGREEMENT BETWEEN THE USG AND GOM.

[13](#). (U) RECENTLY, THE OPPOSITION ATTACKS HAVE FOCUSED ON

ALLEGATIONS THAT PRESIDENT VUJANOVIC AND THE GOM VIOLATED THE 1992 CONSTITUTION BY CONCLUDING BOTH AGREEMENTS WITHOUT SEEKING PARLIAMENTARY RATIFICATION. POLOFF ON MAY 8 UNDERScoreD TO THE PARLIAMENT'S DEFENSE AND SECURITY OVERSIGHT BOARD (INCLUDING OPPOSITION MPS) THAT, IN THE U.S., NEITHER AGREEMENT REQUIRED SENATE RATIFICATION, A STEP RESERVED FOR TREATIES. (COMMENT: THE OFFICIAL LANGUAGE OF MONTENEGRO (A.K.A. SERBIAN) IS PARTLY TO BLAME FOR THIS CONTROVERSY, AS IS THE LITERAL NAIVETE OF MONTENEGRO IN FOREIGN AFFAIRS. THE LOCAL WORD "UGOVOR" CAN BE TRANSLATED AS BOTH TREATY AND AGREEMENT (AND CONTRACT), ALTHOUGH THE EMBASSY AND GOM HAVE BEEN CAREFUL TO REFER TO THE SOFA AS A "SPORAZUM" (ANOTHER WORD FOR AN AGREEMENT OR UNDERSTANDING), AND TO THE ARTICLE 98 AGREEMENT AS AN EXCHANGE OF "NOTES." THE 1992 CONSTITUTION STATES THE PARLIAMENT WILL RATIFY "UGOVORI." ADDITIONALLY, AS MONTENEGRO HAS BEEN INDEPENDENT FOR LESS THAN A YEAR, THERE IS LITTLE RECENT LOCAL PRECEDENT FOR DISTINGUISHING BETWEEN INTERNATIONAL AGREEMENTS AND TREATIES. END COMMENT.)

14. (SBU) DCM AND POLOFF MET ON MAY 7 WITH NEBOJSA MEDOJEVIC, LEADER OF THE OPPOSITION PARTY MOVEMENT FOR CHANGES (PZP - 11 SEATS IN THE 81-SEAT PARLIAMENT) AND SUBSEQUENTLY WITH ANDRIJA MANDIC, LEADER OF BOTH THE LARGEST OPPOSITION GROUPING (SERBIAN LIST - 12 SEATS) AND OF THE SERBIAN PEOPLES PARTY (8 SEATS AS PART OF THE LISTS 12). BOTH MANDIC AND MEDOJEVIC HAD PUBLICLY CHARACTERIZED THE AGREEMENTS, WHICH THEY TEND TO CONFLATE, AS ANTI-EUROPEAN. HOWEVER, THEY BOTH SHOWED A GOOD KNOWLEDGE OF WHAT WAS ACTUALLY IN THE AGREEMENTS, AND A PERSONAL DISPOSITION TO PURSUE GOOD RELATIONS WITH THE U.S. BUT, AS MANDIC CONFESSED, HE SAW THE POTENTIAL TO CREATE A CONTROVERSY OVER THE AGREEMENTS AS A CHANCE TO PLAY TO HIS NATIONALIST VOTER BASE BY ATTACKING THE GOM. INITIALLY, SAID MANDIC, HE WAS GOING TO MAKE TRANSPARENCY THE ISSUE, BUT HE JOVIALY ADMITTED THAT THE GOM THWARTED THAT TACK BY POSTING THE AGREEMENTS ON THE GOM WEBSITE -- SO HE SHIFTED TO THE PROCESS BY WHICH THE GOM HAD CONCLUDED THE AGREEMENTS, AS WELL AS TO DISTORTIONS OF THE SUBSTANCE.

15. (U) THE SOFA AND ARTICLE 98 WERE TOUCHED UPON DURING POLOFF'S MEETING WITH THE PARLIAMENTARY DEFENSE AND SECURITY BOARD MAY 9 (A MEETING REQUESTED BY THE EMBASSY A MONTH AGO). POLOFF UNDERScoreD THAT FOR THE USG, THESE ARE AGREEMENTS, NOT REQUIRING U.S. SENATE RATIFICATION. HOWEVER, THE GREATEST CONTROVERSY CAME FROM ATTACKS ON THE VERY HOLDING OF THE MEETING ITSELF, DELIVERED BY THE OPPOSITION PEOPLE'S PARTY (NS) AND DEMOCRATIC SERBIAN PARTY (DSS - VERY NATIONALIST). NS AND DSS SAID IT WAS IMPROPER, "UNDEMOCRATIC" AND A VIOLATION OF PARLIAMENTARY RULES FOR THE "U.S. EMBASSY TO CONVENE A SESSION

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OF PARLIAMENT OR ITS BOARDS." (NOTE: THIS WAS NOT INTENDED TO BE A FORMAL SESSION, AND IN FACT THE MEETING WAS REQUESTED LONG BEFORE THE SOFA STORY BROKE. END NOTE.) REPRESENTATIVES OF OTHER PARTIES, INCLUDING IN THE OPPOSITION, DISAGREED AND WELCOMED THE INITIATIVE AS SUPPORTING TRANSPARENCY AND DIALOG.

16. (SBU) FM ROCEN TOLD CHARGE MAY 8 THAT THE GERMAN AND SLOVENIAN AMBASSADORS HAVE RAISED THE ARTICLE 98 AGREEMENT WITH HIM. THE FM SAID THE CONTROVERSY WAS VERY MUCH BUSINESS AS USUAL. HE NOTED THAT IF MONTENEGRO HADNT SIGNED A SOFA, THEY WOULD HAVE BEEN CRITICIZED FOR BEING IN A CLASS WITH BELARUS. ON ARTICLE 98, HE NOTED THAT WHEN MONTENEGRO JOINS NATO THIS WILL CEASE TO BE AN ISSUE, AND REALLY SHOULDN'T POSE A PROBLEM WITH THE EUROPEANS. HE THANKED CHARGE FOR THE EMBASSY'S INTERVENTIONS IN THE LOCAL PRESS. HE WAS ESPECIALLY PLEASED WITH THE SUBSTANCE AND TIMING OF MAY 7 CEREMONY MARKING OVER 1000 USAID LOCAL COMMUNITY PROJECTS, AS IT REMINDED PEOPLE OF ALL THE U.S. HAS DONE FOR MONTENEGRO.

17. (SBU) COMMENT: PERHAPS THE MOST USEFUL OBSERVATION IN THE PRESS TO DATE CAME FROM PARLIAMENTARY SPEAKER RANKO KRIVOKAPIC (SDP). HE SUPPORTED THE AGREEMENTS, AND SAID THE CONTROVERSY UNDERScoreD THE NEED FOR MONTENEGRO'S NEW CONSTITUTION (CURRENTLY IN DRAFT) NOT TO PUT OBSTACLES IN THE WAY OF EURO-ATLANTIC INTEGRATION. END COMMENT.

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